

24-6-203. Reporting by incumbents and elected candidates – gifts, honoraria, and other benefits – prohibition on monetary gifts – penalty – definitions.

(1) (a) As used in this section, the terms "appropriate officer" and "candidate" shall have the meanings ascribed to them in section [1-45-103](#), C.R.S., of the "Fair Campaign Practices Act".

(b) (I) As used in this section, the term "public office" means any office voted for in this state at any election.

(II) "Public office" does not include:

(A) The office of president or vice president of the United States;

(B) The office of senator or representative in the congress of the United States;

(C) Any office in a political party chosen pursuant to sections [1-3-103](#), [1-4-403](#), and 1-4-701, C.R.S.;

(D) Any political party office in an assembly or convention, including delegates thereto; or

(E) Any elective office within a special district for which the annual compensation is less than twelve hundred dollars.

(III) "Public office" includes the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, state board of education, regents of the university of Colorado, the Colorado court of appeals, or the supreme court of Colorado.

(c) As used in this section, "statewide elected office" means the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, members of the state board of education, regents of the university of Colorado, members of the general assembly, or district attorneys.

(2) Every incumbent in or candidate elected to public office who receives from any other person any item described in subsection (3) of this section in connection with the incumbent's or elected candidate's public service shall file with the appropriate officer, on or before January 15, April 15, July 15, and October 15 of each year, a report covering the period since the last report. Such report shall be on forms prescribed by the secretary of state and shall contain, at a minimum, the name of the person from whom the item was received and the amount or value and the date of receipt. The secretary of state shall furnish such forms to municipal clerks, to county clerk and recorders, and to incumbents and elected candidates for state offices and district offices of districts greater than a county free of charge for use by incumbents and elected candidates required to file such forms. If any incumbent in or candidate elected to public office does not receive any such item, he or she shall not be required to file such report.

(3) The reports required by subsection (2) of this section shall include the following:

(a) Subject to the requirements of subsection (3.5) of this section, any money, including but not limited to a loan, pledge, or advance of money or a guarantee of a loan of money, with a value of twenty-five dollars or more;

(b) Subject to the requirements of subsection (3.5) of this section, any gift of any item of real or personal property, other than money, with a value of fifty dollars or more;

(c) Any loan of any item of real or personal property, other than money, if the value of the loan is fifty dollars or more. For such purpose, the "value of the loan" means the cost saved or avoided by the incumbent or elected candidate by not borrowing, leasing, or purchasing comparable property from a source available to the general public.

(d) Any payment for a speech, appearance, or publication;

(e) Tickets to sporting, recreational, educational, or cultural events with a value of fifty dollars or more for any single event, or a series of tickets to sporting events of a specific team scheduled during a season with a total value of one hundred dollars or more, or a series of tickets to cultural events of a specific performing company or organization with a total value of one hundred dollars or more;

(f) Payment of or reimbursement for actual and necessary expenditures for travel and lodging for attendance at a convention or other meeting at which the incumbent or elected candidate is scheduled to participate, unless the payment of or reimbursement for such expenditures is made from public funds, from the funds of an organization declared to be a joint governmental agency by section [2-3-311](#), C.R.S., or from the funds of any association of public officials or public entities whose membership includes the incumbent's or elected candidate's office or the governmental entity in which such office is held;

(g) Any gift of a meal to a fund-raising event of a political party.

(3.5) (a) Each incumbent in or candidate elected to statewide elected office is prohibited from knowingly receiving or accepting from any other person, in connection with the public service of the incumbent or elected candidate:

(I) A gift of any money, including but not limited to a loan, pledge, or advance of money, a guarantee of a loan of money, or any monetary payment given, directly or indirectly, for the purpose of defraying any expenses related to the official duties undertaken by the incumbent or elected candidate; or

(II) An in-kind gift.

(b) Nothing in paragraph (a) of this subsection (3.5) shall be construed to prohibit an incumbent or elected candidate from receiving a salary or other compensation paid to the incumbent or elected candidate in connection with the performance of his or her official duties, including, without limitation, payment for a speech, appearance, or publication or payment of or

reimbursement for actual and necessary expenditures for travel and lodging as provided by law, including scholarships for conferences.

(c) For purposes of this subsection (3.5), an "in-kind gift" means any gift of equipment, goods, supplies, property, services, or anything else, the value of which exceeds fifty dollars in the aggregate in any one calendar year, given, directly or indirectly, to an incumbent in or candidate elected to statewide elected office for the purpose of defraying any expenses related to the official duties undertaken by the incumbent or elected candidate.

(3.7) Notwithstanding any other provision of this section, no incumbent in or candidate elected to statewide elected office shall accept a gift of any money from any person who is a professional or volunteer lobbyist or from a corporation or labor organization.

(4) The reports required by subsection (2) of this section need not include the following:

(a) A contribution or contribution in kind that has already been reported pursuant to section [1-45-108](#), C.R.S.;

(b) Any item of perishable or nonpermanent value, including but not limited to meals, unless such item is required to be reported under paragraph (e) or (g) of subsection (3) of this section;

(c) A nonpecuniary award publicly presented by an organization in recognition of public service;

(d) Payment of or reimbursement for actual and necessary expenditures for travel and lodging for attendance at a convention or other meeting at which the incumbent or elected candidate is scheduled to participate, if the payment of or reimbursement for such expenditures is made from public funds, from the funds of an organization declared to be a joint governmental agency by section [2-3-311](#), C.R.S., or from the funds of any association of public officials or public entities whose membership includes the incumbent's or elected candidate's office or the governmental entity in which such office is held;

(e) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the general assembly or by reason of service in other public office.

(5) Any person who provides an incumbent or elected candidate with any item required to be reported by the incumbent or elected candidate pursuant to this section shall, at the time the item is provided, furnish the recipient with a written statement of the dollar value of the item.

(6) Nothing contained in this section shall relieve any person from the disclosure requirements of part 3 of article 6 of this title, relating to the regulation of lobbyists.

(7) Any person who willfully files a false or incomplete report pursuant to this section, who willfully fails to file a report required by this section, who willfully fails to provide the statement of value required by subsection (5) of this section, or who violates any provision of subsection

(3.5) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars.

Source: L. 94: Entire section added, p. 1824, § 3, effective January 1, 1995. **L. 98:** (3)(g) added and (4)(b) amended, p. 952, §§ 5, 6, effective April 27; (1) amended, p. 823, § 34, effective August 5. **L. 2006:** (1)(c), (3.5), and (3.7) added and (2), IP(3), (3)(a), (3)(b), IP(4), and (7) amended, p. 2063, §§ 1, 2, effective July 1.